

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID S. TAUB and MARC TAUB

Cons. Case No.: 09 CV 599
09 CV 601 (ADS)(ETB)

Plaintiffs,

- against -

MARCHESI DI BAROLO S.P.A.,

Defendant.

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PALM BAY INTERNATIONAL, INC.

Plaintiff,

- against -

MARCHESI DI BAROLO S.P.A.,

Defendant.

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**DECLARATION OF GARY ETTELMAN IN OPPOSITION TO DEFENDANT
MARCHESI'S MOTION IN LIMINE TO PRECLUDE MARCY WHITMAN**

Gary Ettelman, does hereby declare the following to be true under the penalties of perjury:

1. I am a partner with the law firm of Ettelman & Hochheiser, P.C., attorneys for the Plaintiffs Palm Bay International, Inc; David Taub; and Marc Taub in this action. I respectfully submit this declaration, based on knowledge I acquired through review of the files, in opposition to Defendant Marchesi's motion in limine to preclude Marcy Whitman from testifying at trial.

2. Annexed hereto as Exhibit A is a true and accurate copy of relevant

portions of the Deposition Transcript of David Taub dated September 23, 2009.

3. Annexed hereto as Exhibit B is a true and accurate copy of relevant portions of the Deposition Transcript of Dennis Delaney dated September 24, 2009

4. Annexed hereto as Exhibit C is a true and accurate copy of relevant portions of the Deposition Transcript of Michael Petteruti dated August 27, 2009.

5. Annexed hereto as Exhibit D is a true and accurate copy of relevant emails produced to Marchesi in this case.

6. Annexed hereto as Exhibit E is a true and accurate copy of Plaintiff's Amended Interrogatory Responses dated September 3, 2009.

Dated: July 7, 2010
Garden City, New York

/s
Gary Ettelman